

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JACK J. DEMARTINI,  
Plaintiff,  
v.  
RYAN C. WITT, *et al*,  
Defendant

Case No. C08-5106RBL-KLS

**ORDER DISMISSING  
COMPLAINT**

The Court, having reviewed the complaint, the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) the Court adopts the Report and Recommendation;
- (2) plaintiff's complaint is DISMISSED with prejudice;
- (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count this as a dismissal under **28 U.S.C. § 1915(g)**; and
- (4) the Clerk is directed to send copies of this Order to plaintiff and to Magistrate Judge Karen L. Strombom.

DATED this 12<sup>th</sup> day of September, 2008.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE